

## REMARKS/ARGUMENTS

### I. Fees

Applicant believes that there are no additional fees due at this time. *If there are any additional fees due in respect to this amendment, please charge them to Deposit Account No. 13-2165. Authority is hereby given to charge any such deficiency, or credit any overpayment, to Deposit Account No. 13-2165 Mathews, Collins, Shepherd & McKay. The Examiner is invited to contact the undersigned if further information is required.*

### II. 35 U.S.C. § 112 second paragraph

The Examiner has rejected claims 1, 19, 37 and 54 under 35 U.S.C. § 112 second paragraph, as being indefinite. In particular, the Examiner stated that "the limitations fail to indicate the context of determining quality of data: what type of data; what is a receiver or data; how is the data received or retrieved; is the data transmitted over a network." In the interest of prosecution efficiency the applicant has amended base claims 37 and 54 to more clearly state the present invention. Claims 1 and 19 were previously cancelled by preliminary amendment on April 18, 2003.

Applicant respectfully requests withdrawal of the objection.

### III. 35 U.S.C. § 102

It is the Examiner's opinion that claims 37-70 are anticipated by US Patent No. 6,169,992 issued to Beall.

In particular it is the Examiner stated with respect to claims 37 and 54 that Beal teaches a method and a system for determining and signaling content quality of preexisting data, to a digital receiver, the preexisting data having at least one record, the at least one record having at least one data field, the method comprising: assessing the quality of the content of the preexisting data using one or more sets of criteria (column 37 lines 45-67 and column 38 lines 29-34, Beall discloses assessing data using criteria such as attributes/guardrails); assigning a grade indicative of the quality of the content of the preexisting data for at least one of the sets of criteria (column 39 lines 25-40, Beall discloses assigning attributes descriptive of data); marking the data with the assigned grade without changing the content of the data (column 38 lines 35-67, Beall discloses attributes of data); and wherein the receiver dynamically accesses the marked grade to determine subsequent use of the data without having to access the data (column 37 lines 15-30 & 60-67 and column 38 lines 1-35, Beall discloses accessing and viewing the attributes of the data without accessing the actual data)."

In the interest of prosecution efficiency the applicant has amended independent claims 37 and 54 to more clearly state the present invention.

The applicant agrees that Beal discloses communicating digital data between data sources. However, Beal neither discloses nor teaches a system for signaling content quality of preexisting digital data between digital devices including a digital source and a digital receiver, the preexisting digital data having a plurality of data records, each of the

plurality of data records having a plurality of data fields, assigning a grade indicative of the quality of the content of the preexisting digital data using at least one or more predefined sets of criteria; and, **marking the preexisting digital data** with the assigned grade **without changing and without accessing the content of the preexisting digital data**; wherein **the digital receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use.**

Beal discloses a method and device for performing queries of object oriented data wherein a "user interact with" a "browser and chooses to search a data base" whereby a "user can interact through" a "graphical user interface to navigate" the query. Beal discloses a non-digital (human) user interacting and searching a data base.

In contrast to Beal, the applicant's present invention is a system for determining and signaling content quality of preexisting digital data having a **plurality of data records**, each of the plurality of data records having a **plurality of data fields**. A grade is assigned indicative of the quality of the content of the preexisting digital data using at least one or more predefined sets of criteria; and, **marking the preexisting digital data** with the assigned grade **without changing and without accessing the content of the preexisting digital data**; wherein **the digital receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use of the preexisting digital data without accessing the preexisting digital data**; whereby another digital receiver can independently determine suitability from the marked grade for

another subsequent use of the preexisting digital data without accessing the preexisting digital data.

In the applicant's present invention in one claimed element feature the digital receiver dynamically accesses the marked grade of the preexisting digital data to determine suitability for subsequent use. Whereas, in Beal it is a human user who interacts and who would have to determine suitability for subsequent use.

To more clearly understand the differences between the applicant's present invention and Beal's, we can apply the applicant's present invention to the application disclosed in Beal in order to improve the quality of Beal guardrail counts. In particular, Beal guardrail counts rely on matches between what is in the database and what the human user selects. The applicant's present invention could be used to validate that all the values for the data elements are stored in the database as a post and check after any changes are made to the database, wherein any exception would be corrected. This would improve the accessing of the guardrail counts because the quality of the data stored would be improved.

In the applicant's present invention another claimed element feature is marking the preexisting digital data with the assigned grade without changing and without accessing the content. In contrast to the applicant's present invention Beal does not grade and then mark the data.

In contrast the the applicant's present invention, Beal teaches Guardrails (guardrail counts) which are not at all about data **quality**, but only statistical counts (**quantity**) of the occurrence of each unique instance of value for an attribute for a specified query (they can vary by query). Guardrail counts are based upon the same attributes being present in the query and in the database. A count of the number of occurrences of a particular attribute value is not any indication of the quality of the data content. Beal does not have a grade file, as the Guardrail counts are only for the specified query and not stored for query or transmitted to a digital receiver.

Beal does not teach each and every element of the applicant's claimed invention. Withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested, as the Examiner has failed to make a prima facie case of anticipation based on the cited prior art.

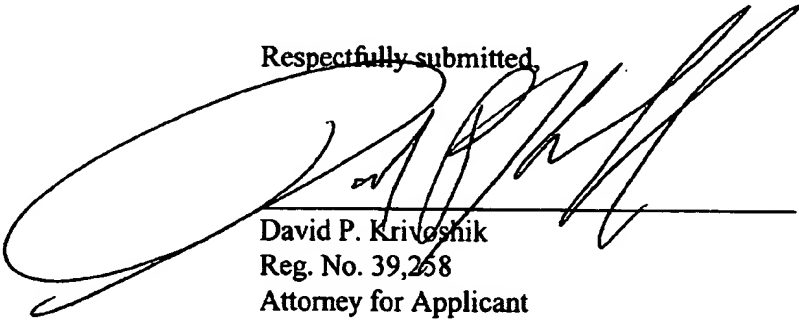
#### **IV. Summary**

By this amendment, applicant has amended the claims to more clearly state the present invention. Applicant believes that claims 37-70, the only remaining claims are in condition for allowance.

Should there remain any questions or other matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

Respectfully submitted,

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